



## U.S. House of Representatives

COMMITTEE ON THE BUDGET

Washington, DC 20515

July 13, 2021

The Honorable Michael J. McCord  
Undersecretary of Defense  
Comptroller/Chief Financial Officer  
U.S. Department of Defense  
1100 Defense Pentagon Washington, DC  
20301-1100

Dear Undersecretary McCord:

During a June 24<sup>th</sup> hearing before the U.S. House Committee on the Budget about the U.S. Department of Defense's (DOD) Fiscal Year 2022 budget, you committed to provide information regarding the amount of American taxpayer dollars DOD is spending on litigation costs and any settlement costs that have or will arise from legal disputes related to the cancellation of border wall construction contracts. I am writing to follow up on your commitment to provide this information.

As you are aware, on June 11, 2021, the Biden Administration announced its next steps to effectively undermine efforts to protect our southern border and allocate border wall funding for other purposes. Pursuant to these plans, all projects related to construction of a border wall have been cancelled, including at least 20 contracts. The Administration also announced its intention to use funding that Congress provided to construct a border barrier to address "safety and environmental issues resulting from border wall construction under the previous Administration."<sup>1</sup> It is concerning that the Biden Administration is now prioritizing environmental issues over the safety of the American people.

It is important that the American people are aware of any costs DOD is incurring or will incur due to the resulting litigation and contract disputes that will come from the Administration's misguided actions. Specifically, I request answers to the following questions:

1. To date, how much funding has DOD spent on litigation and settling disputes related to contracts for the border wall?

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<sup>1</sup> Office of Management and Budget, "Fact Sheet: Department of Defense and Department of Homeland Security Plans for Border Wall Funds," June 11, 2021.

2. How many border wall contracts has DOD cancelled since the start of the Biden Administration?
3. How much more of DOD funds does the Administration intend to spend on settling these contracts?
4. For all remaining contracts, is DOD paying contractors to not construct a border wall along the southern border?

President Biden's immigration policies, including his decision to halt construction of a southern border barrier, have directly resulted in historic levels of illegal migration to our southern border as well as a national security, humanitarian, and public health crisis. As a result, it is important for the Administration to be transparent and accountable to Congress and the American people regarding the cost of such policies to taxpayers.

I look forward to hearing from you and respectfully request a response to this letter by July 30, 2021.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Smith", with a stylized flourish at the end.

Jason Smith  
Republican Leader  
House Committee on the Budget